

Calendar No. 593

103^D CONGRESS
2^D SESSION

H. R. 194

[Report No. 103-352]

AN ACT

To withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

AUGUST 22 (legislative day, AUGUST 18), 1994

Reported with an amendment

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[Report No. 103-352]

IN THE SENATE OF THE UNITED STATES

MAY 13 (legislative day, APRIL 19), 1993

Received; read twice and referred to the Committee on Energy and Natural
Resources

AUGUST 22 (legislative day, AUGUST 18), 1994

Reported by Mr. JOHNSTON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the
5 “~~Fort Carson-Pinon Canyon Military Lands Withdrawal~~
6 ~~Act~~”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- See. 1: Short title and table of contents.
- See. 2: Withdrawal and reservation of lands at Fort Carson Military Reservation.
- See. 3: Withdrawal and reservation of lands at Pinon Canyon Maneuver Site.
- See. 4: Maps and legal descriptions.
- See. 5: Management of withdrawn lands.
- See. 6: Management of withdrawn and acquired mineral resources.
- See. 7: Hunting, fishing, and trapping.
- See. 8: Termination of withdrawal and reservation and effect of contamination.
- See. 9: Delegation.
- See. 10: Hold harmless.
- See. 11: Amendment to military lands withdrawal act of 1986.
- See. 12: Authorization of appropriations.

3 **SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT**
 4 **FORT CARSON MILITARY RESERVATION.**

5 (a) WITHDRAWAL.—Subject to valid existing rights
 6 and except as otherwise provided in this Act, the lands
 7 at the Fort Carson Military Reservation that are described
 8 in subsection (c) are hereby withdrawn from all forms of
 9 appropriation under the public land laws, including the
 10 mining laws and the mineral and geothermal leasing laws.

11 (b) RESERVATION.—The lands withdrawn under sub-
 12 section (a) are reserved for use by the Secretary of the
 13 Army—

14 (1) for military maneuvering, training and
 15 weapons firing; and

16 (2) for other defense related purposes consist-
 17 ent with the uses specified in paragraph (1).

18 (c) LAND DESCRIPTION.—The lands referred to in
 19 subsection (a) comprise 3,133.02 acres of public land and

1 11,415.16 acres of federally-owned minerals in El Paso,
2 Pueblo, and Fremont Counties, Colorado, as generally de-
3 picted on the map entitled “Fort Carson Proposed With-
4 drawal—Fort Carson Base”, dated February 1992, and
5 filed in accordance with section 4.

6 **SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT**
7 **PINON CANYON MANEUVER SITE.**

8 (a) **WITHDRAWAL.**—Subject to valid existing rights
9 and except as otherwise provided in this Act, the lands
10 at the Pinon Canyon Maneuver Site that are described in
11 subsection (c) are hereby withdrawn from all forms of ap-
12 propriation under the public land laws, including the min-
13 ing laws and the mineral and geothermal leasing laws.

14 (b) **RESERVATION.**—The lands withdrawn under sub-
15 section (a) are reserved for use by the Secretary of the
16 Army—

17 (1) for military maneuvering and training; and

18 (2) for other defense related purposes consist-
19 ent with the uses specified in paragraph (1).

20 (c) **LAND DESCRIPTION.**—The lands referred to in
21 subsection (a) comprise 2,517.12 acres of public lands and
22 130,139 acres of federally-owned minerals in Las Animas
23 County, Colorado, as generally depicted on the map enti-
24 tled “Fort Carson Proposed Withdrawal—Fort Carson

1 Maneuver Area—Pinon Canyon site”, dated February
2 1992, and filed in accordance with section 4.

3 **SEC. 4. MAPS AND LEGAL DESCRIPTIONS.**

4 (a) PREPARATION.—As soon as practicable after the
5 date of enactment of this Act, the Secretary of the Interior
6 shall—

7 (1) publish in the Federal Register a notice
8 containing the legal description of the lands with-
9 drawn and reserved by this Act; and

10 (2) file maps and a legal description of the
11 lands withdrawn and reserved by this Act with the
12 Committee on Energy and Natural Resources of the
13 Senate and with the Committee on Interior and In-
14 sular Affairs of the House of Representatives.

15 (b) LEGAL EFFECT.—Such maps and legal descrip-
16 tions shall have the same force and effect as if they were
17 included in this Act, except that the Secretary of the Inte-
18 rior may correct clerical and typographical errors in such
19 maps and legal descriptions.

20 (c) LOCATION OF COPIES.—Copies of such maps and
21 legal descriptions shall be available for public inspection
22 in the offices of the Colorado State Director and the
23 Canon City District Manager of the Bureau of Land Man-
24 agement, and the Commander, Fort Carson, Colorado.

1 (d) COSTS.—The Secretary of the Army shall reim-
2 burse the Secretary of the Interior for the costs of imple-
3 menting this section.

4 **SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.**

5 (a) MANAGEMENT GUIDELINES.—(1) Except as pro-
6 vided in section 6, during the period of withdrawal, the
7 Secretary of the Army shall manage for military purposes
8 the lands covered by this Act and may authorize use of
9 the lands by the other military departments and agencies
10 of the Department of Defense, and the National Guard,
11 as appropriate.

12 (2) When military operations, public safety, or na-
13 tional security, as determined by the Secretary of the
14 Army, require the closure of roads and trails on the lands
15 withdrawn by this Act commonly in public use, the Sec-
16 retary of the Army is authorized to take such action, ex-
17 cept that such closures shall be limited to the minimum
18 areas and periods required for the purposes specified in
19 this subsection. Appropriate warning notices shall be kept
20 posted during closures.

21 (3) The Secretary of the Army shall take necessary
22 precautions to prevent and suppress brush and range fires
23 occurring within and outside the lands as a result of mili-
24 tary activities and may seek assistance from the Bureau
25 of Land Management in suppressing such fires. The

1 memorandum of understanding required by this section
2 shall provide for Bureau of Land Management assistance
3 in the suppression of such fires, and for a transfer of
4 funds from the Department of the Army to the Bureau
5 of Land Management as compensation for such assistance.

6 (b) ~~MANAGEMENT PLAN.~~—The Secretary of the
7 Army, with the concurrence of the Secretary of the Inte-
8 rior, shall develop a plan for the management of acquired
9 lands and lands withdrawn under sections 2 and 3 for the
10 period of withdrawal. The plan shall—

11 (1) be consistent with applicable law;

12 (2) include such provisions as may be necessary
13 for proper resource management and protection of
14 the natural, cultural, and other resources and values
15 of such lands;

16 (3) identify those withdrawn and acquired
17 lands, if any, which are to be open to mining or min-
18 eral and geothermal leasing, including mineral mate-
19 rials disposal; and

20 (4) be developed not later than 5 years after
21 the date of enactment of this Act.

22 (c) ~~LISTING OF LANDS SUITABLE FOR MINING.~~—On
23 completion of the management plan prepared pursuant to
24 subsection (b), the Secretary of the Interior shall publish
25 a notice in the Federal Register listing the lands deter-

1 mined under such subsection to be suitable for opening
2 to mining, and mineral and geothermal leasing, including
3 mineral materials disposal, and specifying the opening
4 date.

5 (d) IMPLEMENTATION OF MANAGEMENT PLAN.—(1)
6 The Secretary of the Army and the Secretary of the Inte-
7 rior shall enter into a memorandum of understanding to
8 implement the management plan described in subsection
9 (b).

10 (2) The duration of any such memorandum of under-
11 standing shall be the same as the period of withdrawal
12 under section 8.

13 (3) The memorandum of understanding may be
14 amended by agreement of both Secretaries.

15 (e) REEXAMINATION OF LANDS FOR SUITABILITY
16 FOR MINING.—At least every five years after the initial
17 identification of lands suitable for opening to mining re-
18 quired by subsection (b)(3), the Secretary of the Army and
19 the Secretary of the Interior shall determine those with-
20 drawn lands, if any, which the Secretaries consider suit-
21 able for opening to mining, mineral and geothermal leas-
22 ing, or mineral material disposal, and those acquired
23 lands, if any, which the Secretaries consider suitable for
24 opening to mineral and geothermal leasing or mineral ma-
25 terial disposal. The Secretary of the Interior shall publish

1 a notice in the Federal Register listing the lands deter-
2 mined suitable for opening and specifying the opening
3 date.

4 (f) USE OF CERTAIN RESOURCES.—The Secretary of
5 the Army is authorized to utilize sand, gravel, or similar
6 mineral or mineral material resources when the use of
7 such resources is required for construction needs of the
8 Fort Carson Reservation or Pinon Canyon Maneuver Site.

9 **SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED**
10 **MINERAL RESOURCES.**

11 (a) AUTHORITY OF SECRETARY OF THE INTERIOR.—
12 Notwithstanding any other provision of law, and except
13 as provided in section 5 of this Act, the Secretary of the
14 Interior shall manage all withdrawn and acquired mineral
15 resources contained within the boundaries of the Fort Car-
16 son Reservation and Pinon Canyon Maneuver Site.

17 (b) EFFECT OF IDENTIFICATION OF LANDS AS SUIT-
18 ABLE FOR MINING.—On the day specified by the Sec-
19 retary of the Interior in the notice published in the Fed-
20 eral Register pursuant to subsections (c) and (e) of section
21 5, the land identified as suitable for opening to the oper-
22 ation of the mining, mineral, and geothermal leasing and
23 the mineral material disposal laws shall automatically be
24 open to the operation of such laws without the necessity

1 for further action by either the Secretary of the Interior
2 or the Congress.

3 (c) ~~EXCEPTION FROM CERTAIN LAWS.~~—No deposit
4 of minerals or materials of the types identified by section
5 3 of the Act of July 23, 1955 (30 U.S.C. 611; 69 Stat.
6 368), whether or not included in the term “common vari-
7 eties” in that Act, shall be subject to location under the
8 Act of May 10, 1872 (commonly known as the Mining
9 Law of 1872) (30 U.S.C. 22 et seq.), or any other law
10 providing for the location of mining claims, on lands de-
11 scribed in sections 2 and 3.

12 (d) ~~REGULATIONS.~~—On lands identified for opening
13 to mining, mineral, and geothermal leasing or mineral ma-
14 terial disposal by section 5(b)(3), or by subsequent amend-
15 ments to the management plan described in section 5, all
16 minerals contained in those lands shall be subject to min-
17 ing, mineral, and geothermal leasing or mineral material
18 disposal under such rules and regulations as the Secretary
19 of the Interior may promulgate pursuant to the terms and
20 conditions of section 12 of the Military Lands Withdrawal
21 Act of 1986 (Public Law 99–606; 100 Stat. 3466).

22 (e) ~~CLOSURE OF LANDS UNDER CERTAIN CIR-~~
23 ~~CUMSTANCES.~~—In the event of a national emergency or
24 for purposes of national defense or security, the Secretary
25 of the Interior, at the request of the Secretary of the

1 Army, shall close any lands that have been opened to min-
2 ing, mineral, and geothermal leasing or mineral material
3 disposal pursuant to this section.

4 (f) MINING CLAIMS.—(1) Except as otherwise pro-
5 vided in this Act, mining claims located pursuant to this
6 Act shall be subject to the provisions of the Act of May
7 10, 1872 (commonly known as the Mining Law of 1872)
8 (30 U.S.C. 22 et seq.), or to the provisions of other laws
9 enacted hereafter (including provisions for payments to
10 the United States) that are applicable to similar claims
11 on the public domain.

12 (2) All mining claims located under the terms of this
13 Act shall be subject to the provisions of the Federal Land
14 Policy and Management Act of 1976 (43 U.S.C. 1701 et
15 seq.).

16 (g) PATENTS FOR LOCATABLE MINERALS.—(1) Pat-
17 ents issued pursuant to this Act for locatable minerals
18 shall convey title to the locatable minerals only, and shall
19 be issued together with an appropriate authorization for
20 use of so much of the surface as may be necessary for
21 purposes incident to mineral activities under the guidelines
22 for such use established by the Secretary of the Interior
23 by regulation.

1 (2) All such patents shall contain a reservation to the
2 United States of the surface of all lands patented and of
3 all nonlocatable minerals on those lands.

4 (3) For the purposes of this Act:

5 (A) The term “locatable minerals” means any
6 mineral not subject to disposition under any of the
7 following:

8 (i) The Mineral Leasing Act (30 U.S.C.
9 181 et seq.).

10 (ii) The Geothermal Steam Act of 1970
11 (30 U.S.C. 1001 et seq.).

12 (iii) The Act of July 31, 1947, commonly
13 known as the Materials Act of 1947 (30 U.S.C.
14 601 et seq.).

15 (iv) The Mineral Leasing for Acquired
16 Lands Act (30 U.S.C. 351 et seq.).

17 (B) The term “mineral activities” means any
18 activity for, related to, or incidental to mineral ex-
19 ploration, mining, beneficiation, and processing ac-
20 tivities for any locatable mineral, including access.

21 **SEC. 7. HUNTING, FISHING, AND TRAPPING.**

22 All hunting, fishing, and trapping on the lands with-
23 drawn and reserved by this Act shall be conducted in ac-
24 cordance with section 2671 of title 10, United States
25 Code.

1 **SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION**
2 **AND EFFECT OF CONTAMINATION.**

3 (a) **TERMINATION DATE.**—The withdrawal and res-
4 ervation established by this Act shall terminate 15 years
5 after the date of the enactment of this Act.

6 (b) **DETERMINATION OF CONTINUING MILITARY**
7 **NEED.**—(1) At least three years prior to the termination
8 under subsection (a) of the withdrawal and reservation es-
9 tablished by this Act, the Secretary of the Army shall ad-
10 vise the Secretary of the Interior as to whether or not the
11 Department of the Army will have a continuing military
12 need for any of the lands after the termination date.

13 (2) If the Secretary of the Army concludes under
14 paragraph (1) that there will be a continuing military need
15 for any of the lands after the termination date established
16 by subsection (a), the Secretary of the Army, in accord-
17 ance with applicable law, shall evaluate the environmental
18 effects of renewal of such withdrawal and reservation,
19 shall hold at least one public hearing in Colorado concern-
20 ing such evaluation, and shall thereafter file an application
21 for extension of the withdrawal and reservation of such
22 lands in accordance with the regulations and procedures
23 of the Department of the Interior applicable to the exten-
24 sion of withdrawals for military uses. The Secretary of the
25 Interior shall notify the Congress concerning such filing.

1 ~~(3)~~ If the Secretary of the Army concludes under
2 paragraph ~~(1)~~ that prior to the termination date estab-
3 lished by subsection ~~(a)~~, there will be no military need for
4 all or any of the lands withdrawn and reserved by this
5 Act, or if, during the period of withdrawal, the Secretary
6 of the Army decides to relinquish any or all of the lands
7 withdrawn and reserved under this Act, the Secretary of
8 the Army shall file a notice of intention to relinquish with
9 the Secretary of the Interior.

10 ~~(c)~~ DETERMINATION OF CONTAMINATION.—Prior to
11 the filing of a notice of intention to relinquish pursuant
12 to subsection ~~(b)(3)~~, the Secretary of the Army shall pre-
13 pare a written determination as to whether and to what
14 extent the lands are contaminated with explosive, toxic,
15 or other hazardous materials. A copy of the determination
16 made by the Secretary of the Army shall be supplied with
17 the notice of intention to relinquish. Copies of both the
18 notice of intention to relinquish and the determination
19 concerning the contaminated state of the lands shall be
20 published in the Federal Register by the Secretary of the
21 Interior.

22 ~~(d)~~ EFFECT OF CONTAMINATION.—~~(1)~~ If any land
23 which is the subject of a notice of intention to relinquish
24 under subsection ~~(b)(3)~~ is contaminated, and the Sec-
25 retary of the Interior, in consultation with the Secretary

1 of the Army, determines that decontamination is prac-
2 ticable and economically feasible, taking into consideration
3 the potential future use and value of the land, and that
4 upon decontamination, the land could be opened to the
5 operation of some or all of the public land laws, including
6 the mining laws, the Secretary of the Army shall decon-
7 taminated the land to the extent that funds are appro-
8 priated for such purpose.

9 (2) If the Secretaries of the Army and the Interior
10 conclude either that decontamination of any or all of the
11 lands proposed for relinquishment is not practicable or
12 economically feasible, or that the lands cannot be decon-
13 taminated sufficiently to allow them to be opened to the
14 operation of the public land laws, or if Congress declines
15 to appropriate funds for decontamination of the lands, the
16 Secretary of the Interior shall not be required to accept
17 the lands proposed for relinquishment.

18 (3) If, because of their contaminated state, the Sec-
19 retary of the Interior declines under paragraph (2) to ac-
20 cept jurisdiction of the lands proposed for relinquishment,
21 or if at the expiration of the withdrawal made by this Act
22 the Secretary of the Interior determines that some of the
23 lands withdrawn by this Act are contaminated to an extent
24 which prevents opening such contaminated lands to oper-
25 ation of the public land laws—

1 (A) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

2 (B) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

3 (C) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of the subsection.

4 (4) If the lands are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

5 ~~(e) PROGRAM OF DECONTAMINATION.—Throughout the duration of the withdrawal and reservation made by this Act, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this Act at least at the level of effort carried out during fiscal year 1992.~~

6 ~~(f) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of~~

1 law, the Secretary of the Interior, upon deciding that it
2 is in the public interest to accept jurisdiction over the
3 lands proposed for relinquishment, is authorized to revoke
4 the withdrawal and reservation established by this Act as
5 it applies to the lands proposed for relinquishment. Should
6 the decision be made to revoke the withdrawal and res-
7 ervation, the Secretary shall publish in the Federal Reg-
8 ister an appropriate order which shall—

- 9 (1) terminate the withdrawal and reservation;
10 (2) constitute official acceptance of full jurisdic-
11 tion over the lands by the Secretary of the Interior;
12 and
13 (3) state the date upon which the lands will be
14 opened to the operation of the public land laws, in-
15 cluding the mining laws if appropriate.

16 **SEC. 9. DELEGATION.**

17 The functions of the Secretary of the Army under
18 this Act may be delegated. The functions of the Secretary
19 of the Interior under this Act may be delegated, except
20 that the order referred to in section 8(f) may be approved
21 and signed only by the Secretary of the Interior, the Dep-
22 uty Secretary of the Interior, or an Assistant Secretary
23 of the Department of the Interior.

1 **SEC. 10. HOLD HARMLESS.**

2 The United States and all departments or agencies
3 thereof shall be held harmless and shall not be liable for
4 any injuries or damages to persons or property suffered
5 in the course of any mining, mineral activity, or geo-
6 thermal leasing activity conducted on lands comprising the
7 Fort Carson Reservation or Pinon Canyon Maneuver Site.

8 **SEC. 11. AMENDMENT TO MILITARY LANDS WITHDRAWAL**
9 **ACT OF 1986.**

10 Section 3(f) of the Military Lands Withdrawal Act
11 of 1986 (Public Law 99-606; 100 Stat. 3461) is amended
12 by adding at the end a new paragraph (2) as follows:

13 “(2) The Secretary of the military department con-
14 cerned may utilize sand, gravel, or similar mineral or ma-
15 terial resources when the use of such resources is required
16 for construction needs on the respective lands withdrawn
17 by this Act.”.

18 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

19 There are hereby authorized to be appropriated such
20 sums as may be necessary to carry out the purposes of
21 this Act.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Fort Carson-Pinon Can-*
24 *yon Military Lands Withdrawal Act”.*

1 **SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT**
2 **FORT CARSON MILITARY RESERVATION.**

3 (a) *WITHDRAWAL.*—Subject to valid existing rights
4 and except as otherwise provided in this Act, the lands at
5 the Fort Carson Military Reservation that are described in
6 subsection (c) are hereby withdrawn from all forms of ap-
7 propriation under the public land laws, including the min-
8 ing laws, the mineral and geothermal leasing laws, and the
9 mineral materials disposal laws.

10 (b) *RESERVATION.*—The lands withdrawn under sub-
11 section (a) are reserved for use by the Secretary of the
12 Army—

13 (1) *for military maneuvering, training and*
14 *weapons firing; and*

15 (2) *for other defense related purposes consistent*
16 *with the uses specified in paragraph (1).*

17 (c) *LAND DESCRIPTION.*—The lands referred to in sub-
18 section (a) comprise approximately 3,133.02 acres of public
19 land and approximately 11,415.16 acres of federally-owned
20 minerals in El Paso, Pueblo, and Fremont Counties, Colo-
21 rado, as generally depicted on the map entitled “Fort Car-
22 son Proposed Withdrawal—Fort Carson Base”, dated
23 March 2, 1992, and filed in accordance with section 4.

1 **SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT**
2 **PINON CANYON MANEUVER SITE.**

3 (a) *WITHDRAWAL.*—Subject to valid existing rights
4 and except as otherwise provided in this Act, the lands at
5 the Pinon Canyon Maneuver Site that are described in sub-
6 section (c) are hereby withdrawn from all forms of appro-
7 priation under the public land laws, including the mining
8 laws, the mineral and geothermal leasing laws, and the
9 mineral materials disposal laws.

10 (b) *RESERVATION.*—The lands withdrawn under sub-
11 section (a) are reserved for use by the Secretary of the
12 Army—

13 (1) for military maneuvering and training; and

14 (2) for other defense related purposes consistent
15 with the uses specified in paragraph (1).

16 (c) *LAND DESCRIPTION.*—The lands referred to in sub-
17 section (a) comprise approximately 2,517.12 acres of public
18 lands and approximately 130,139 acres of federally-owned
19 minerals in Las Animas County, Colorado, as generally de-
20 picted on the map entitled “Fort Carson Proposed With-
21 drawal—Fort Carson Maneuver Area—Pinon Canyon
22 Site”, dated March 2, 1992, and filed in accordance with
23 section 4.

24 **SEC. 4. MAPS AND LEGAL DESCRIPTIONS.**

25 (a) *PREPARATION.*—As soon as practicable after the
26 date of enactment of this Act, the Secretary of the Interior

1 *shall publish in the Federal Register a notice containing*
2 *the legal description of the lands withdrawn and reserved*
3 *by this Act.*

4 (b) *LEGAL EFFECT.*—*Such maps and legal descrip-*
5 *tions shall have the same force and effect as if they were*
6 *included in this Act, except that the Secretary of the Inte-*
7 *rior may correct clerical and typographical errors in such*
8 *maps and legal descriptions.*

9 (c) *LOCATION OF MAPS.*—*Copies of such maps and*
10 *legal descriptions shall be available for public inspection*
11 *in the offices of the Colorado State Director and the Canon*
12 *City District Manager of the Bureau of Land Management,*
13 *and the Commander, Fort Carson, Colorado.*

14 (d) *COSTS.*—*The Secretary of the Army shall reim-*
15 *burse the Secretary of the Interior for the costs of imple-*
16 *menting this section.*

17 **SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.**

18 (a) *MANAGEMENT GUIDELINES.*—(1) *Except as pro-*
19 *vided in section 6, during the period of withdrawal the Sec-*
20 *retary of the Army shall manage for military purposes the*
21 *lands covered by this Act and may authorize use of such*
22 *lands by the other military departments and agencies of*
23 *the Department of Defense, and the National Guard, as ap-*
24 *propriate.*

1 (2) *When military operations, public safety, or na-*
2 *tional security, as determined by the Secretary of the Army,*
3 *require the closure of roads or trails on the lands withdrawn*
4 *by this Act commonly in public use, the Secretary of the*
5 *Army is authorized to take such action, except that such*
6 *closures shall be limited to the minimum areas and periods*
7 *required for the purposes specified in this subsection. Ap-*
8 *propriate warning notices shall be kept posted during clo-*
9 *tures.*

10 (3) *The Secretary of the Army shall take necessary pre-*
11 *cautions to prevent and suppress brush and range fires oc-*
12 *curring within and outside the lands as a result of military*
13 *activities and may seek assistance from the Bureau of Land*
14 *Management in suppressing such fires. The memorandum*
15 *of understanding required by this subsection (c) shall pro-*
16 *vide for Bureau of Land Management assistance in the sup-*
17 *pression of such fires, and for a transfer of funds from the*
18 *Department of the Army to the Bureau of Land Manage-*
19 *ment as compensation for such assistance.*

20 (b) *MANAGEMENT PLAN.—Not later than 5 years after*
21 *the date of enactment of this Act, the Secretary of the Army,*
22 *with the concurrence of the Secretary of the Interior, shall*
23 *develop a plan for the management of acquired lands and*
24 *lands withdrawn under sections 2 and 3 of this Act for the*
25 *period of the withdrawal. Such plan shall—*

1 (1) *be consistent with applicable law;*

2 (2) *include such provisions as may be necessary*
3 *for proper resource management and protection of the*
4 *natural, cultural, and other resources and values of*
5 *such lands; and*

6 (3) *identify those withdrawn and acquired lands,*
7 *if any, which are to be open to mining, or mineral*
8 *or geothermal leasing, including mineral materials*
9 *disposal.*

10 (c) *IMPLEMENTATION OF MANAGEMENT PLAN.—(1)*
11 *The Secretary of the Army and the Secretary of the Interior*
12 *shall enter into a memorandum of understanding to imple-*
13 *ment the management plan described in subsection (b).*

14 (2) *The duration of any such memorandum of under-*
15 *standing shall be the same as the period of withdrawal*
16 *under section 8.*

17 (3) *The memorandum of understanding may be*
18 *amended by agreement of both Secretaries.*

19 (d) *USE OF CERTAIN RESOURCES.—Subject to valid*
20 *existing rights, the Secretary of the Army is authorized to*
21 *utilize sand, gravel, or similar mineral or mineral material*
22 *resources from lands withdrawn by this Act, when the use*
23 *of such resources is required for construction needs of the*
24 *Fort Carson Military Reservation or Pinon Canyon Ma-*
25 *neuver Site.*

1 **SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED MIN-**
2 **ERAL RESOURCES.**

3 *Except as provided in section 5(d) of this Act, the Sec-*
4 *retary of the Interior shall manage all withdrawn and ac-*
5 *quired mineral resources within the boundaries of the Fort*
6 *Carson Military Reservation and Pinon Canyon Maneuver*
7 *Site in accordance with section 12 of the Military Lands*
8 *Withdrawal Act of 1986 (Public Law 99-606; 100 Stat.*
9 *3466), as applicable.*

10 **SEC. 7. HUNTING, FISHING, AND TRAPPING.**

11 *All hunting, fishing, and trapping on the lands with-*
12 *drawn and reserved by this Act shall be conducted in ac-*
13 *cordance with section 2671 of title 10, United States Code.*

14 **SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION**
15 **AND EFFECT OF CONTAMINATION.**

16 (a) *TERMINATION DATE.*—*The withdrawal and res-*
17 *ervation established by this Act shall terminate 15 years*
18 *after the date of the enactment of this Act.*

19 (b) *DETERMINATION OF CONTINUING MILITARY*
20 *NEED.*—*(1) At least three years prior to the termination*
21 *under subsection (a) of the withdrawal and reservation es-*
22 *tablished by this Act, the Secretary of the Army shall advise*
23 *the Secretary of the Interior as to whether or not the De-*
24 *partment of the Army will have a continuing military need*
25 *for any of the lands after the termination date.*

1 (2) *If the Secretary of the Army concludes under para-*
2 *graph (1) that there will be a continuing military need for*
3 *any of the lands after the termination date established by*
4 *subsection (a), the Secretary of the Army, in accordance*
5 *with applicable law, shall evaluate the environmental effects*
6 *of renewal of such withdrawal and reservation, shall hold*
7 *at least one public hearing in Colorado concerning such*
8 *evaluation, and shall thereafter file an application for ex-*
9 *tension of the withdrawal and reservation of such lands in*
10 *accordance with the regulations and procedures of the De-*
11 *partment of the Interior applicable to the extension of with-*
12 *drawals for military uses. The Secretary of the Interior*
13 *shall notify the Congress concerning such filing.*

14 (3) *If the Secretary of the Army concludes under para-*
15 *graph (1) that prior to the termination date established by*
16 *subsection (a), there will be no military need for all or any*
17 *of the lands withdrawn and reserved by this Act, or if, dur-*
18 *ing the period of withdrawal, the Secretary of the Army*
19 *decides to relinquish any or all of the lands withdrawn and*
20 *reserved under this Act, the Secretary of the Army shall*
21 *file a notice of intention to relinquish with the Secretary*
22 *of the Interior.*

23 (c) *DETERMINATION OF CONTAMINATION.—Prior to*
24 *the filing of a notice of intention to relinquish pursuant*
25 *to subsection (b)(3), the Secretary of the Army shall prepare*

1 *a written determination as to whether and to what extent*
2 *the lands are contaminated with explosive, toxic, or other*
3 *hazardous materials. A copy of the determination made by*
4 *the Secretary of the Army shall be supplied with the notice*
5 *of intention to relinquish. Copies of both the notice of inten-*
6 *tion to relinquish and the determination concerning the*
7 *contaminated state of the lands shall be published in the*
8 *Federal Register by the Secretary of the Interior.*

9 (d) *EFFECT OF CONTAMINATION.—(1) If any land*
10 *which is the subject of a notice of intention to relinquish*
11 *under subsection (b)(3) is contaminated, and the Secretary*
12 *of the Interior, in consultation with the Secretary of the*
13 *Army, determines that decontamination is practicable and*
14 *economically feasible, taking into consideration the poten-*
15 *tial future use and value of the land, and that upon decon-*
16 *tamination, the land could be opened to the operation of*
17 *some or all of the public land laws, including the mining*
18 *laws, the Secretary of the Army shall decontaminate the*
19 *land to the extent that funds are appropriated for such pur-*
20 *pose.*

21 (2) *If the Secretaries of the Army and the Interior con-*
22 *clude either that decontamination of any or all of the lands*
23 *proposed for relinquishment is not practicable or economi-*
24 *cally feasible, or that the lands cannot be decontaminated*
25 *sufficiently to allow them to be opened to the operation of*

1 *the public land laws, or if Congress declines to appropriate*
2 *funds for decontamination of the lands, the Secretary of the*
3 *Interior shall not be required to accept the lands proposed*
4 *for relinquishment.*

5 (3) *If, because of their contaminated state, the Sec-*
6 *retary of the Interior declines under paragraph (2) to ac-*
7 *cept jurisdiction of the lands proposed for relinquishment,*
8 *or if at the expiration of the withdrawal made by this Act*
9 *the Secretary of the Interior determines that some of the*
10 *lands withdrawn by this Act are contaminated to an extent*
11 *which prevents opening such contaminated lands to oper-*
12 *ation of the public land laws—*

13 (A) *the Secretary of the Army shall take appro-*
14 *priate steps to warn the public of the contaminated*
15 *state of such lands and any risks associated with*
16 *entry onto such lands;*

17 (B) *after the expiration of the withdrawal, the*
18 *Secretary of the Army shall undertake no activities on*
19 *such lands except in connection with decontamination*
20 *of such lands; and*

21 (C) *the Secretary of the Army shall report to the*
22 *Secretary of the Interior and to the Congress concern-*
23 *ing the status of such lands and all actions taken in*
24 *furtherance of the subsection.*

1 (4) *If the lands are subsequently decontaminated, upon*
2 *certification by the Secretary of the Army that the lands*
3 *are safe for all nonmilitary uses, the Secretary of the Inte-*
4 *rior shall reconsider accepting jurisdiction over the lands.*

5 (5) *Nothing in this Act shall affect, or be construed*
6 *to affect, the Secretary's obligations, if any, to decontami-*
7 *nate such lands pursuant to applicable law, including but*
8 *not limited to the Comprehensive Environmental Response*
9 *Compensation and Liability Act (42 U.S.C. 9601 et seq.),*
10 *and the Solid Waste Disposal Act, as amended by the Re-*
11 *source Conservation and Recovery Act (42 U.S.C. 6901 et*
12 *seq.).*

13 (e) *PROGRAM OF DECONTAMINATION.*—*Throughout the*
14 *duration of the withdrawal and reservation made by this*
15 *Act, the Secretary of the Army, to the extent funds are made*
16 *available, shall maintain a program of decontamination of*
17 *the lands withdrawn by this Act at least at the level of effort*
18 *carried out during fiscal year 1992.*

19 (f) *ACCEPTANCE OF LANDS PROPOSED FOR RELIN-*
20 *QUISHMENT.*—*Notwithstanding any other provision of law,*
21 *the Secretary of the Interior, upon deciding that it is in*
22 *the public interest to accept jurisdiction over the lands pro-*
23 *posed for relinquishment, is authorized to revoke the with-*
24 *drawal and reservation established by this Act as it applies*
25 *to the lands proposed for relinquishment. Should the deci-*

1 *sion be made to revoke the withdrawal and reservation, the*
2 *Secretary of the Interior shall publish in the Federal Reg-*
3 *ister an appropriate order which shall—*

4 *(1) terminate the withdrawal and reservation;*

5 *(2) constitute official acceptance of full jurisdic-*
6 *tion over the lands by the Secretary of the Interior;*
7 *and*

8 *(3) state the date upon which the lands will be*
9 *opened to the operation of the public land laws, in-*
10 *cluding the mining laws if appropriate.*

11 **SEC. 9. DELEGATION.**

12 *The functions of the Secretary of the Army under this*
13 *Act may be delegated. The functions of the Secretary of the*
14 *Interior under this Act may be delegated, except that the*
15 *order referred to in section 8(f) may be approved and signed*
16 *only by the Secretary of the Interior, the Deputy Secretary*
17 *of the Interior, or an Assistant Secretary of the Department*
18 *of the Interior.*

19 **SEC. 10. HOLD HARMLESS PROVISION.**

20 *(a) IN GENERAL.—The United States and all depart-*
21 *ments or agencies thereof shall be held harmless and shall*
22 *not be liable for any injuries or damages to persons or prop-*
23 *erty suffered in the course of any mining, mineral activity,*
24 *or geothermal leasing activity conducted on lands compris-*
25 *ing the Fort Carson Military Reservation or Pinon Canyon*

1 *Maneuver Site, including liabilities to non-Federal entities*
2 *under sections 107 or 113 of the Comprehensive Environ-*
3 *mental Response Compensation and Liability Act, 42*
4 *U.S.C. 9607 and 9613, or section 7003 of the Solid Waste*
5 *Disposal Act, as amended by the Resource Conservation and*
6 *Recovery Act, 42 U.S.C. 6973.*

7 (b) *INDEMNIFICATION.—Any party conducting any*
8 *mining, mineral or geothermal leasing activity on such*
9 *lands shall indemnify the United States and its depart-*
10 *ments or agencies thereof against any costs, fees, damages,*
11 *or other liabilities, including costs of litigation, arising*
12 *from or related to such mining activities, including costs*
13 *of mineral materials disposal, whether arising under the*
14 *Comprehensive Environmental Response Compensation and*
15 *Liability Act, the Resource Conservation and Recovery Act,*
16 *or otherwise.*

17 **SEC. 11. AMENDMENTS TO MILITARY LANDS WITHDRAWAL**
18 **ACT OF 1986.**

19 (a) *USE OF CERTAIN RESOURCES.—Section 3(f) of the*
20 *Military Lands Withdrawal Act of 1986 (Public Law 99–*
21 *606; 100 Stat. 3461) is amended by adding at the end a*
22 *new paragraph (2) as follows:*

23 “(2) *Subject to valid existing rights, the Secretary of*
24 *the military department concerned may utilize sand, grav-*
25 *el, or similar mineral or material resources from lands*

1 *withdrawn for the purposes of this Act when the use of such*
2 *resources is required for construction needs on the respective*
3 *lands withdrawn by this Act.”.*

4 (b) *TECHNICAL CORRECTION.—Section 9(b) of the*
5 *Military Lands Withdrawal Act of 1986 (Public Law 99–*
6 *606; 100 Stat. 3466) is amended by striking “7(f)” and*
7 *inserting in lieu thereof, “8(f)”.*

8 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

9 *There are hereby authorized to be appropriated such*
10 *sums as may be necessary to carry out this Act.*

Passed the House of Representatives May 11, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.

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